

REMARKS

Claims 1, 7, 9, 13, 15, 19, 25, 28-31, 33, 39, 44, 45, 47, 51 and 55-60 are pending in the application and are presented for examination upon entry of the present amendment.

Claims 1, 7, 9, 13, 15, 19, 25, 28, 31, 33, 39, 44, 47, 51, 55 and 56 are amended. Claims 24, 40, and 50 are cancelled without prejudice by the present amendment. Claims 57-60 are new. Claims 1 and 33 are independent.

Claim rejection – 35 USC §101

Present claim 33 requires, in pertinent part, capturing an interaction by an interaction capturing device. Present claim 33 further provides storing the interaction and a transaction in a database, and retrieving the interaction and transaction from the database. Support for this feature of claim 33 can be found at least at ¶ [0045] of the Specification.

Present claim 33 further provides that the first interaction capturing device is selected from the group consisting of: a telephone, a fax, an e-mail server, an analog video camera, a digital video camera, an analog audio microphone, and a digital audio microphone. Support for this feature of claim 33 can be found at least at ¶ [0044] of the Specification.

The method of claim 33 requires implementation on an interaction capturing device; the interaction capturing device of present claim 33 is implemented on a variety of particular hardware devices, both digital and analog. Applicants respectfully submit that present claim 33, being implemented by particular machines, is statutory under § 101. Reconsideration and withdrawal of the § 101 rejection of claim 1 are respectfully solicited.

Claims 39, 44, 45, 47, and 51 depend from claim 33, and for at least the reason of such dependence are also directed to statutory matter. Applicants request also the reconsideration and withdrawal of the § 101 rejection of these claims.

Claim rejection – 35 USC §102

The Office Action rejects claims 1, 9, 15, 22, 24, 28, 31 and 50 under 35 U.S.C. 102 as being anticipated by US7,421,660 to Charnock et al. ("Charnock"). Applicants are respectfully traversing this rejection.

Present claim 1 provides an apparatus for detecting misconduct related to a transaction associated with an organization, comprising: a capturing device for capturing an interaction containing audio; a transaction capture device for capturing a transaction; an association device to associate the interaction with the transaction; an at least one recording and logging device for storing the interaction, and the transaction in an organization database; a retrieval device for retrieving the interaction and the transaction from the organization database; an audio content analysis device for performing audio content analysis on the interaction and detecting a predetermined word or sentence mentioned in the interaction; a transaction analysis device for analyzing the transaction and detecting a suspicious transaction; and a business analysis module for identifying misconduct associated with the organization, based on the predetermined word or sentence and the suspicious transaction, wherein said capturing device is selected from the group consisting of: a telephone, a fax, an e-mail server, an analog video camera, a digital video camera, an analog audio microphone, and a digital audio microphone.

The present disclosure searches for misconduct in a transaction performed by or within an organization. The misconduct can relate to fraud, non-compliance or the like. The misconduct is detected by combining information from two

sources: the first source is data extracted from the audio of an interaction related to a transaction, and the second is data extracted from the transaction itself.

Charnock relates to presenting data related to documents, and to detecting *statistical anomalies and patterns*, but not to detecting problems in particular transactions. Charnock does not teach multiple limitations required by claim 1. For example, Charnock does not teach an audio content analysis device for performing audio content analysis on the interaction and detecting a predetermined word or sentence mentioned in the interaction. By contrast, this feature is disclosed at ¶0067 of the present application as published.

Although Charnock may use speech to text processing of voicemail messages (Charnock at col. 7 line 40), Charnock does not teach detecting a predetermined word or sentence from an interaction containing audio but merely presenting the text.

Charnock does not teach a transaction analysis device for analyzing the transaction and detecting a suspicious transaction. By contrast, this feature is disclosed at ¶0068 of the present application as published.

Charnock does not teach the analysis of a particular transaction in order to detect a suspicious transaction.

Charnock does not teach a business analysis module for identifying misconduct associated with the organization, based on the word and the suspicious transaction. This limitation is disclosed at Fig. 8 and ¶¶ 0054, 0055, 0059, 0060, and 0067-0069 of the present application as published.

Charnock does not teach identifying misconduct, based on the word and the suspicious transaction. Rather, Charnock teaches detecting statistical

anomalies and patterns, as disclosed, *inter alia*, at Charnock's Fig. 11, Fig. 12, and col. 10 line 57 - col. 12 line 60, discussing historical communications and average communication parameters, which are statistical in nature and do not indicate misconduct associated with a particular transaction.

Thus, Charnock does not disclose claim 1. Reconsideration and withdrawal of the 102 rejection of claim 1 are respectfully requested.

Claims 24 and 54 have been cancelled, which renders their rejection moot.

Claims 9, 15, 28, 31, 50 and 55 depend from claim 1 and, for at least the reason of such dependence, are also patentable over the cited art.

In addition, the dependent claims contain additional features absent from the prior art of record. For example, claim 55 provides the capturing of screen events. The term "screen events" relates to capturing actions of the user during an interactive session and reactions which are displayed through the user interface. Thus, screen events do not relate to documents presented on the screen such as e-mail messages, but to user or system activities which can be analyzed.

Reconsideration and withdrawal of the §102 rejection of claims 9, 15, 28, 31, 50 and 55 are respectfully requested.

Claim rejections, 35 U.S.C. § 103

The Office Action rejects claims 7, 13, 19, 25, 29, and 30 under § 103 as being unpatentable over Charnock in view of US6,115,693 of McDonough ("McDonough").

In constructing the §103 rejection of these claims, which depend from claim 1, the Office Action reasserts the same analysis of Charnock as used to form the §102 rejection discussed *supra* with respect to the independent claims, and introduces McDonough ostensibly to supply various features impliedly lacking from Charnock itself.

As discussed above with respect to the independent claims, Charnock is inoperative to disclose features of independent claim 1. Even assuming, *arguendo*, that McDonough is operative to teach the additional features asserted by the Office Action, nevertheless McDonough is inoperative to remedy Charnock's inability to disclose the features common to the independent claims and the claims depending therefrom.

McDonough does not cure the deficiencies of Charnock's, and does not teach at least an audio content analysis device for performing audio content analysis on the interaction and detecting a predetermined word or sentence mentioned in the interaction; a transaction analysis device for analyzing the transaction and detecting a suspicious transaction; and a business analysis module for identifying non-compliance with code of conduct in the organization, based on the predetermined word or sentence and the suspicious transaction.

For at least the reason of such dependence, claims 45 and 47 are also patentable over the cited art.

In addition, the cited combination of Charnock and McDonough does not teach the dependent claims, for example:

Claim 13: Charnock and McDonough, either separately or in combination, do not teach a speech analysis module.

Claim 30: Charnock and McDonough, either separately or in combination, do not teach automatic selection of interactions to be monitored, analyzed and evaluated.

In view of the above, reconsideration and withdrawal of the §103 rejection of claims 7, 13, 19, 25, 29, and 30 are respectfully requested.

The Office Action rejects claims 33, 39, 40, 44, 45, 47, 51 and 56 under § 103 as being unpatentable over Charnock in view of McDonough. Applicants traverse.

As discussed above with respect to independent claim 1, Charnock is inoperative to disclose features of the independent claim 1. In particular, Charnock does not teach at least performing audio content analysis on the interaction and detecting a predetermined word or sentence mentioned in the interaction; analyzing the transaction and detecting a suspicious transaction; and identifying misconduct associated with the organization, based on the predetermined word or sentence and the suspicious transaction. McDonough does not cure the deficiencies of Charnock's, and does not teach these limitations either. Reconsideration and withdrawal of the 103 rejection of claim 33 are respectfully requested.

Claim 40 has been cancelled, rendering its rejection moot.

In addition, Charnock in view of McDonough do not teach all elements of the dependent claims, for example:

Claim 47: Charnock and McDonough, either separately or in combination do not teach automatic scheduling and selection of interactions to be monitored, analyzed and evaluated.

Claim 56 provides that the transaction is captured through screen events occurring on a screen used by a trader. The term screen events relate to capturing actions of the user during an interactive session and reactions which are displayed through the user interface. Thus, screen events does not merely relate to interactions such as e-mail messages presented on the screen, but to user or system activities which can be analyzed.

In view of the above, reconsideration and withdrawal of the 103 rejection of claims 39, 44, 45, 47, 51 and 56 are respectfully requested.

New claims 57 and 58 depend from claims 1 and 33, respectively, and require synchronization between interactions. Synchronization, as detailed in ¶¶ 0034, 0038, and 0045 of the application as published, does not relate to coordinating interactions, for example for coordinated playback, and not to determining a relative order between interactions.

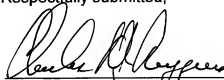
New claims 59 and 60 depend from claims 1 and 33, respectively, and provide that the misconduct is fraudulent behavior, as detailed in ¶ 0066 of the application as published.

Applicants submit that the application is now in condition for allowance. Passage of the claims to allowance is respectfully requested.

If for any reason the Examiner feels that consultation with Applicants or the Applicant's attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,

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Date



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